

Rules for Federal Civilian Employees GS-15 and Below on Job Hunting and Post-Government Employment

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Overview

- **Job hunting rules**
- **Use of government resources in job hunting**
- **Post-government employment rules**

Job Hunting Rules -- 1

- **Can I seek employment with a company now?**
- **Answer: If you are “participating personally and substantially in a government matter” that has a direct and predictable effect on the company’s financial interests, then you may not seek employment with the company.**
- **This means you may not send a resume to the company or discuss employment with the company.**

Job Hunting Rules -- 2

- **What types of “government matters” could I be working on that would prohibit me from discussing employment with a company?**
- **Answer: “Government matters” would include:**
 - **Government contracts**
 - **Sale of a government asset to a company**
 - **A claim by a company against the government**

Job Hunting Rules -- 3

- **What type of involvement in a “government matter” can result in my being prohibited from discussing employment with a company?**
- **Answer:**
 - **Being the decision maker on the matter**
 - **Being the approval authority on the matter**
 - **Being an advisor on the matter**
 - **Being an evaluator on the matter**
 - **Being an investigator on the matter**

Job Hunting Rules -- 4

- **What are some examples of people who may not discuss employment with a company?**
- **Answer:**
 - **Contracting officer on a government contract**
 - **Member of the technical evaluation team in a source selection**
 - **Quality assurance evaluator on a govt. contract**
 - **Government negotiator on sale of govt. asset**
 - **Employee who makes recommendation to contracting officer on settling contractor claim.**

Job Hunting Rules -- 5

- **If, because of my job duties, I am prohibited from seeking employment with a company, but I want to seek employment with the company, what can I do?**
- **Answer: You may be able to have your duties that involve the company you want to talk with transferred to another employee.**
- **Note: Your supervisor makes the determination about whether you can be disqualified from duties involving a company.**

Job Hunting Rules -- 6

- If I want to be relieved of my duties that involve a company, so that I will be able to discuss employment with the company, do I have to complete any written documents?**
- Answer: Yes. You must complete a disqualification letter that says you are disqualifying yourself from all government duties involving the company.**
- Note: Your servicing legal office has the format you can use for the disqualification letter.**

Job Hunting Rules -- 7

- **Can I list more than one company in a disqualification letter?**
- **Answer: Yes. If you have government duties that affect the financial interests of several companies, you may list in a disqualification letter one of those companies, or more than one, or all of those companies.**
- **If you have government duties that affect the financial interests of several companies, you can prepare more than one disqualification letter (one now and another in the future, for example).**

Job Hunting Rules -- 8

- **Can I disqualify myself from duties involving a company if the performance of those duties is a central or critical part of my government job?**
- **Answer: No. You may not disqualify yourself from government duties that are a central or critical part of your government job.**
- **Your supervisor / chain of command makes the decision about whether you may be disqualified from government duties involving a company.**

Job Hunting Rules -- 9

- **If I am not participating personally and substantially in any government matter that has a direct and predictable effect on the financial interests of a company, can I seek employment with that company?**
- **Answer: Yes. In this situation:**
 - **You may seek employment with the company.**
 - **You are not required to tell your supervisor (although you may do so).**
 - **You are not required to prepare a disqualification letter (although you may do so).**

Job Hunting Rules -- 10

- **If I am successful in getting a job with a company, what restrictions will apply to me?**
- **Answer: If you enter into an employment arrangement with a company, you will be prohibited from participating personally and substantially in any government matter that has a direct and predicable effect on the company's financial interests.**
- **This is the same prohibition that applies while you are seeking employment with the company. The ban will last until you leave Federal service.**

Job Hunting Rules -- 11

- **Are there any special rules that apply if I am participating personally and substantially in a procurement and I am contacted about possible employment by a company that is a bidder or offeror in the procurement?**
- **Answer: Yes. If this happens & if the procurement will have a value over \$100,000, you must:**
 - **Give written report describing the employment contact to supervisor & agency ethics official, &**
 - **Either reject the possibility of employment (and continue working on the procurement) OR be disqualified from working on the procurement.**

Job Hunting -- Use of Govt. Resources (1)

- **General rule:** Government resources may be used only for authorized purposes, and you generally may not use government resources to help you find post-government employment. For example, you may not:
 - Make long distance calls at govt. expense, or
 - Use the services of subordinates (e.g., typing).
- **Exception:** A government office with a mission of helping employees find employment (i.e., transition assistance office) may use government resources for this purpose.

Job Hunting -- Use of Govt. Resources (2)

- **The DoD ethics regulation states that employees may use the e-mail & Internet on their government computer for personal communications if their supervisor (who is a commissioned military officer or a civilian GS-12 or above) determines that:**
 - **No adverse effect on performance of duties,**
 - **Use is of reasonable duration & frequency, and done on personal time (lunch/after duty hours),**
 - **Use serves a legitimate public interest (such as job search in response to govt. downsizing),**
 - **Use does not reflect adversely on government,**
 - **Use does not overburden the system, and**
 - **Use does not create significant additional cost.**

Job Hunting -- Use of Govt. Resources (3)

- **On 29 Nov 2000, Headquarters Air Force issued a 2-page legal opinion entitled “Use of Government E-Mail and Internet for Seeking Employment.”**
- **Opinion says that supervisor may permit you to use your “own personal time to conduct a limited review of Internet job sites or send a short, non-broadcast e-mail message related to a new job.”**
- **Opinion says that a supervisor may not permit:**
 - **Use of official time to conduct job searches,**
 - **Sending out broadcast e-mail messages, or**
 - **Printing copies of a resume on govt. printer.**

Post-Government Employment Rules -- Overview

- **One-year compensation ban**
- **Lifetime representation ban**
- **Two-year representation ban**

Post-Government Employment 1-Year Compensation Ban

- **People who serve in one of seven positions, or who make one of seven types of decisions, on a contract over \$10 million, may not accept compensation from the contractor for 1 year.**
- **1-year ban is on accepting compensation from the contractor as an employee, consultant, officer or director.**

Positions Resulting in One-Year Compensation Ban

- **Procuring Contracting Officer**
- **Source Selection Authority**
- **Member of Source Selection Evaluation Board**
- **Chief of financial or technical evaluation team**
- **Program Manager**
- **Deputy Program Manager**
- **Administrative Contracting Officer**

Decisions Resulting in One-Year Compensation Ban

- **Award a contract over \$10 million**
- **Award a subcontract over \$10 million**
- **Award a modification over \$10 million**
- **Award a task or delivery order over \$10 million**
- **Establish overhead or other rates applicable to contracts over \$10 million**
- **Approve contract payments over \$10 million**
- **Pay or settle claim over \$10 million**

Other Provisions of 1-Year Compensation Ban

- **If 1-year ban applies:**
 - **Individual may not accept compensation**
 - **Contractor may not provide compensation**
- **Other divisions: 1-year ban does not apply to accepting compensation from any division or affiliate of a contractor that does not produce the “same or similar products or services” as the division of the contractor that has the contract that you worked on.**

Legal Opinions under 1-Year Compensation Ban

- **You may request legal advice on whether the 1-year ban applies to you.**
- **The legal opinion must be issued within 30 days after receipt of written request. The opinion is called a “30-day letter.”**
- **JA has a handout for clients with instructions on how to prepare a request for a 30-day letter.**

Lifetime Representation Ban

- **If you participate personally & substantially in a contract (through decision, advice, recommendations, evaluations or an investigation), you may never act as contractor's negotiator, spokesperson or representative on the contract.**
- **But you may:**
 - **Go to work for the contractor, and**
 - **Help the contractor perform the contract.**
- **Ban applies to contracts & other particular matters.**

2-Year Representation Ban

- **If you did not participate personally & substantially in a contract, but it was under your official responsibility during your last year of government service, you may not, for 2 years after leaving the government, act as the contractor's negotiator, spokesperson or representative on the contract.**
- **But you may:**
 - **Go to work for the contractor, and**
 - **Help the contractor perform the contract.**
- **Ban applies to contracts & other particular matters.**

Lifetime & 2-Year Representation Bans

- **What is prohibited: communicating with or appearing before any Federal employee, with the intent to influence the employee, regarding the contract (or other matter) that the ban applies to**
- **Examples:**
 - **Acting as company's negotiator**
 - **Speaking for company in contract dispute**
 - **Seeking for the company a discretionary ruling, benefit, action or approval by the govt. (e.g., a contract claim, modification, ECP, etc.)**

Lifetime & 2-Year Representation Bans

- **What is permitted: communicating with or appearing before Federal employees regard-ing a contract (or other matter) where there is no intent to influence (i.e., merely providing or obtaining information). Examples:**
 - **Providing purely factual information to govt. personnel regarding a contract**
 - **Requesting purely factual information from govt. personnel regarding a contract**
 - **Requesting from the govt. publicly available documents related to a contract**